

EIGHTY-FIRST LEGISLATIVE DAY

The House met at 1:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by F. K. Holbrook, Jr., Woodbine United Methodist Church, Nashville, Tennessee.

Representative Clark led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 94

Representatives present were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 94.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution No. 135; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.

213 — Relative to study, exemptions on real property; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.

2449 — To providing referendum, question, death penalty, Knox County;

2502 — To provide creation, judicial commissioner, criminal proceedings; both passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

163 — To amend Chapter 6, Title 6, Code;

1742 — To amend Chapter 734, Public Acts, 1976;

1757 — To amend Section 67-5806, Code;

1799 — To amend Section 51-203, Code;

2025 — To amend Section 12-923, Code;

2364 — To amend Title 51, Chapter 4, Code;

2399 — To create parks and recreation technical advisory service;

2448 — To provide additional Assistant District Attorneys General, Tenth Judicial Circuit;

2565 — To amend Charter, Kingsport; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

1090 — To authorize state funding board, local finance;

2020 — To establish Epilepsy Advisory Committee;

2097 — To regulate voter registration;

2225 — To amend Title 8, Chapter 7, Code; all substituted for Senate Bills on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

2355 — To exempt national guardsmen from liability, certain instances;

2406 — To amend Sections 49-708 and 49-719, Code;

2444 — To provide for legislative disapproval, administrative rule; all substituted for Senate Bills on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

1660 — To amend Title 6, Chapter 3, Code;

1701 — To amend Sections 16-401, 16-402, 16-409 and 16-413, Code;

1806 — To amend Sections 67-2002, 67-2005, 67-2008, 67-2012 and 67-2033, Code; all substituted for Senate Bills on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

1966 — To make certain provisions, Fifth Judicial Circuit;

2028 — To amend Sections 67-3012 and 67-5812, Code;

2030 — To make certain provisions, medical assistants; all substituted for Senate Bills on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

2504 — To repeal Chapter 349, Private Acts, 1935;

2544 — To regulate practice of massage, Carter County;

2545 — To amend Charter, Newport;

2547 — To amend Chapter 539, Private Acts, 1953;

- 2548 — To amend Chapter 495, Private Acts, 1939;
- 2555 — To amend Chapter 146, Private Acts, 1941;
- 2556 — To regulate sanitary landfills, Washington County;
- 2562 — To regulate practice of massage, Johnson County;
- 2563 — To amend Charter, Jefferson City;
- 2568 — To amend Charter, Eagleville;

2574 — To repeal Chapter 22, Private Acts, 1969; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 1595, 1857, 2042, 2047, 2144, 2149, 2191, 2307 and 2313, with his approval.

EDDIE SISK,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 2517, 2527, 2529, 2530 and 2532, and House Joint Resolution Nos. 279, 282, 307, 331, 333, 340, 353, 360, 366, 385, 402, 416, 424, 429, 444, 450, 462, 482, 483, 485, 495, 497, 498, 500, 501, 502, 507, 508 and 509, with his approval.

EDDIE SISK,
Counsel to the Governor.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

- 2566 — To amend Chapter 558, Private Acts, 1919;
- 2576 — To provide for election of road supervisor, Morgan County;
- 2577 — To levy wheel tax, Humphreys County;
- 2581 — To amend Chapter 865, Private Acts, 1937;

2583 — To amend Chapter 431, Private Acts, 1939; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No.

135 — Relative to approving Rules of Criminal Procedure; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 1689, 1805, 2026, 2478, 2480, 2509, 2513 and 2540; also, House Joint Resolutions Nos. 281, 294, 376, 430 and 539; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

1535 — To regulate employee contributions, Tennessee Consolidated Retirement System;

1711 — To amend Section 67-112, Code;

1898 — To amend Title 50, Chapter 13, Code;

1996 — To amend Section 7-134, Code;

2034 — To amend Section 67-3012, Code;

2119 — To make certain provisions, health care facilities;

2267 — To create Advisory Council for Vocational Education;

2476 — To provide privilege tax, hotel rooms, certain counties;

2487 — To amend Title 2, Chapter 3, Code;

2519 — To provide for election, Board of Education, Anderson County;

2520 — To amend Chapter 557, Private Acts, 1939;

2533 — To amend Chapter 79, Acts of 1903;

2541 — To provide civil service system, Hawkins County Sheriff Department.

2542 — To amend Charter, Rogersville;

2551 — To amend Chapter 32, Private Acts, 1969;

2554 — To provide for referendum, location of prison, Sullivan County;

2557 — To amend Chapter 228, Private Acts, 1949;

2559 — To clarify boundaries, Huntingdon Special School District;

2561 — To create Van Buren County Road Advisory Commission; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to request the return of House Bill No. 2576, for further consideration.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

On motion, House Bill No. 2576 was returned to the Senate as requested.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 1642, 1683, 1699, 1837, 2070, 2186, 2208, 2254 and 2346; also, Senate Joint Resolution No. 198; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: Senate Bills Nos. 1642, 1683, 1699, 1837, 2070, 2186, 2208, 2254 and 2346; and Senate Joint Resolution No. 198.

CALENDAR

Mr. Murphy (Davidson) moved that House Bill No. 2062 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

Mr. Hillis moved that House Bill No. 263 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 1239 — To apportion state senatorial districts, Shelby County.

On motion, House Bill No. 1239 was made to conform with Senate Bill No. 777.

On motion, Senate Bill No. 777, on same subject, was substituted for House Bill No. 1239.

Mr. Clark moved that Senate Bill No. 777 be passed on third and final reading.

Mr. Martin moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 777 in Section 1 by deleting from the descriptive language of Senate district 28 voting precinct "27-2,".

FURTHER AMEND SB 777/HB 1239 in Section 1 by adding to the descriptive language of Senate district 33 voting precinct "27-2,".

The amendment failed to be adopted by the following vote:

Ayes.....	35
Noes.....	37
Present and not voting	5

Representatives voting aye were: Atchley, Bewley, Burleson, Byrd, Carter, Chiles, DeBerry, Elkins, Ford (Cocke), Gaia, Gill, Good, Henry, Hurley, Jensen, Kernell, Longley, McAfee, Martin, Moore, Murphy (Shelby), Richards, Robertson, Robinson (Hamilton), Scruggs, Shockley, Small, Smith, Spence, Stafford, Sterling, Turner, Webb, Williams and Wood — 35.

Representatives voting no were: Bell, Bishop, Blackburn, Buck, Burnett (Sumner), Bussart, Butler, Cawood, Darnell, Davidson (Robertson), Davidson (Wayne), DePriest, Dixon, Fisher, Fleming, Fuqua, Hillis, Johnson, Lanier, Lashlee, Ledford, Murray (Franklin), Murray (Madison), Naifeh, Ozment, Phillips, Rhinehart, Richardson, Robinson (Davidson), Stallings, Steinhauer, Tanner, Watson, Wolfe, Work, Yelton and Mr. Speaker McWherter — 37.

Representatives present and not voting were: Bragg, Burnett (Fentress), Miller, Nolan and Wallace — 5.

Mr. Martin moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 777 by redesignating Section 2 to be Section 3 and by adding a new Section 2 as follows:

Section 2. In the event of a successful challenge in court to the districting plan provided by this act, the attorneys' fees of the challenging party or parties, the cost incurred by the state in defending the act, and the court costs shall be paid by the legislative sponsors of this act.

Mr. Clark moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes.....	45
Noes.....	26
Present and not voting	1

Representatives voting aye were: Bell, Bishop, Bissell, Blackburn, Buck, Burks, Burnett (Sumner), Bussart, Butler, Cawood, Clark, Darnell, Davidson (Robertson), Davidson

(Wayne), Davis, Dixon, Fisher, Fleming, Fuqua, Hillis, Hood, Hurley, Johnson, Lanier, Lashlee, Ledford, Miller, Murphy (Davidson), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Rhinehart, Richardson, Robinson (Davidson), Stallings, Steinhauer, Tanner, Wallace, Watson, Wolfe, Work, Yelton and Mr. Speaker McWherter — 45.

Representatives voting no were: Bewley, Burleson, Byrd, Chiles, DeBerry, Ford (Cocke), Gaia, Gill, Hall, Henry, Jensen, McAfee, Martin, Murphy (Shelby), Pruitt, Richards, Robinson (Hamilton), Scruggs, Shockley, Small, Smith, Spence, Stafford, Williams, Withers and Wood — 26.

Representative present and not voting was: Burnett (Fentress) — 1.

Mr. Hillis moved the previous question, which motion failed by the following vote:

Ayes.....	42
Noes.....	36
Present and not voting	3

Representatives voting aye were: Bell, Bissell, Blackburn, Buck, Burks, Burnett (Sumner), Bussart, Butler, Cawood, Clark, Darnell, Davidson (Wayne), Davis, Dixon, Ellis, Fisher, Fleming, Fuqua, Good, Hillis, Hood, Johnson, Lanier, Lashlee, Ledford, Longley, Murray (Franklin), Murray (Madison), Naifeh, Ozment, Phillips, Rhinehart, Richardson, Robinson (Davidson), Robinson (Washington), Stallings, Starnes, Tanner, Watson, Wolfe, Work and Yelton — 42.

Representatives voting no were: Atchley, Bewley, Brewer, Burleson, Byrd, Carter, Chiles, DeBerry, Ford (Cocke), Gaia, Gill, Hall, Henry, Hurley, Jensen, Kernell, McAfee, Martin, Miller, Moore, Murphy (Shelby), Nolan, Richards, Robertson, Robinson (Hamilton), Scruggs, Shockley, Small, Smith, Spence, Stafford, Steinhauer, Sterling, Williams, Withers and Wood — 36.

Representatives present and not voting were: Burnett (Fentress), Wallace and Mr. Speaker McWherter — 3.

Mr. Brewer moved that Senate Bill No. 777 be re-referred to the Committee on Calendar and Rules.

Mr. Clark moved that the motion be tabled, which motion prevailed by the following vote:

Ayes.....	44
Noes.....	37
Present and not voting	6

Representatives voting aye were: Bell, Bishop, Bissell, Blackburn, Buck, Burnett (Sumner), Butler, Cawood, Clark, Darnell, Davidson (Robertson), Davidson (Wayne), Dixon, Ellis, Fisher, Fleming, Ford (Cocke), Fuqua, Good, Hillis, Hood, Hurley, Johnson, Lanier, Lashlee, Ledford, Longley, McKinney, Murray (Franklin), Murray (Madison), Naifeh, Phillips, Pickering, Rhinehart, Richardson, Robinson (Davidson), Robinson (Washington), Smith, Stallings, Steinhauer, Tanner, Watson, Work and Yelton — 44.

Representatives voting no were: Atchley, Bewley, Brewer, Burks, Burleson, Byrd, Chiles, Cobb, Copeland, Davis, DeBerry, Elkins, Ford (Shelby), Gaia, Gill, Hall, Henry, Jensen, Kernell, Martin, Murphy (Davidson), Murphy (Shelby), Nolan, Ozment, Pruitt, Richards, Robertson, Robinson (Hamilton), Scruggs, Small, Spence, Stafford, Starnes, Turner, Williams, Withers and Wood — 37.

Representatives present and not voting were: Bragg, Burnett (Fentress), Bussart, Miller, Wallace and Wolfe — 6.

Mr. Murphy (Shelby) moved that Senate Bill No. 777 be re-referred to the Committee on State and Local Government.

Mr. Martin moved that previous question, which motion failed by the following vote:

Ayes	45
Noes	38
Present and not voting	8

Representatives voting aye were: Ashford, Bewley, Bissell, Blackburn, Brewer, Buck, Burks, Burleson, Burnett (Sumner), Byrd, Carter, Cawood, Chiles, Davidson (Wayne), Davis, DeBerry, Elkins, Ford (Shelby), Fuqua, Gaia, Gill, Hall, Hood, Hurley, Jensen, King, Ledford, Longley, Love, McAfee, Martin, Murphy (Shelby), Pruitt, Richards, Robertson, Robinson (Hamilton), Shockley, Small, Spence, Stafford, Starnes, Sterling, Williams, Wood and Yelton — 45.

Representatives voting no were: Atchley, Bell, Bishop, Bussart, Butler, Clark, Darnell, Davidson (Robertson), Dixon, Ellis, Fisher, Fleming, Ford (Cocke), Good, Henry, Hillis, Johnson, Kernell, Lanier, Lashlee, Moore, Murphy (Davidson), Murray (Franklin), Murray (Madison), Naifeh, Ozment, Phillips, Pickering, Rhinehart, Richardson, Robinson (Davidson), Robinson (Washington), Scruggs, Smith, Stallings, Steinhauer, Tanner and Work — 38.

Representatives present and not voting were: Bragg, Burnett (Fentress), Cobb, Miller, Nolan, Wallace, Wolfe and Mr. Speaker McWherter — 8.

Mr. Clark moved that the motion be tabled, which motion prevailed by the following vote:

Ayes	41
Noes	39
Present and not voting	8

Representatives voting aye were: Bell, Bishop, Blackburn, Buck, Burnett (Sumner), Butler, Cawood, Clark, Darnell, Davidson (Robertson), Davidson (Wayne), Dixon, Ellis, Fisher, Fleming, Ford (Cocke), Good, Hillis, Hood, Johnson, Lanier, Lashlee, Ledford, Moore, Murray (Franklin), Murray (Madison), Naifeh, Phillips, Pickering, Rhinehart, Richardson, Robinson (Davidson), Robinson (Washington), Smith, Stallings, Steinhauer, Tanner, Watson, Work, Yelton and Mr. Speaker McWherter — 41.

Representatives voting no were: Atchley, Bewley, Bissell, Brewer, Burks, Burleson, Byrd, Chiles, Cobb, Davis, DeBerry, Elkins, Ford (Shelby), Gaia, Gill, Hall, Henry, Hurley, Jensen, Kernell, King, Longley, Love, Martin, Murphy (Davidson), Murphy (Shelby), Ozment, Pruitt, Richards, Robertson, Robinson (Hamilton), Small, Spence, Stafford, Starnes, Sterling, Turner, Williams and Wood — 39.

Representatives present and not voting were: Bragg, Burnett (Fentress), Fuqua, McAfee, Miller, Nolan, Wallace and Wolfe — 8.

Ms. DeBerry moved to amend as follows:

AMENDMENT NO. 3

Amend Senate Bill No. 777 by deleting from Section 2 the words and figures "November 7, 1978", and substituting instead the words and figures "August 1, 1980".

Mr. Clark moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes.....	43
Noes.....	38
Present and not voting	5

Representatives voting aye were: Bell, Bishop, Blackburn, Buck, Butler, Cawood, Clark, Darnell, Davidson (Wayne), Dixon, Ellis, Fisher, Fleming, Ford (Cocke), Fuqua, Good, Hillis, Hood, Hurley, Johnson, Lanier, Lashlee, Ledford, Longley, McKinney, Murray (Franklin), Murray (Madison), Naifeh, Phillips, Pickering, Rhinehart, Richardson, Robinson (Davidson), Robinson (Washington), Smith, Stallings, Tanner, Wallace, Watson, Wolfe, Wood, Work and Yelton — 43.

Representatives voting no were: Ashford, Atchley, Bewley, Bissell, Brewer, Burleson, Byrd, Chiles, Cobb, Copeland, Davis, DeBerry, Ford (Shelby), Gaia, Gill, Hall, Henry, Jensen, Kernell, King, Love, McAfee, Martin, Murphy (Davidson), Murphy (Shelby), Ozment, Pruitt, Richards, Robertson, Robinson (Hamilton), Scruggs, Small, Spence, Stafford, Starnes, Sterling, Turner and Williams — 38.

Representatives present and not voting were: Bragg, Burnett (Fentress), Bussart, Miller and Nolan — 5.

Mr. Jensen moved the previous question, which motion prevailed by the following vote:

Ayes.....	71
Noes.....	10
Present and not voting	4

Representatives voting aye were: Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Buck, Burleson, Butler, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, Dixon, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, Martin, Miller, Moore, Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Phillips, Pickering, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Wolfe, Wood, Work and Yelton — 71.

Representatives voting no were: Brewer, Byrd, DeBerry, Kernell, Murphy (Davidson), Ozment, Pruitt, Richards, Robertson and Spence — 10.

Representatives present and not voting were: Bragg, Burnett (Fentress), Bussart and Mr. Speaker McWherter — 4.

Thereupon, Senate Bill No. 777, failed to receive a constitutional majority by the following vote:

Ayes.....	43
Noes.....	32
Present and not voting	8

Representatives voting aye were: Bell, Bishop, Blackburn, Buck, Butler, Cawood, Clark, Darnell, Davidson (Wayne), Dixon, Ellis, Fisher, Fleming, Ford (Cocke), Fuqua, Good, Hillis, Hood, Hurley, Johnson, Lanier, Lashlee, Ledford, Longley, McKinney, Naifeh, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Smith, Stallings, Starnes, Steinhauer, Wallace, Watson, Wolfe, Work, Yelton and Mr. Speaker McWherter — 43.

Representatives voting no were: Atchley, Bewley, Brewer, Byrd, Chiles, Copeland, DeBerry, Ford (Shelby), Gaia, Gill, Hall, Henry, Jensen, Kernell, King, Love, Martin, Miller, Moore, Murphy (Shelby), Pruitt, Richards, Robinson (Hamilton), Scruggs, Shockley, Small, Spence, Stafford, Sterling, Turner, Williams and Wood — 32.

Representatives present and not voting were: Bragg, Burnett (Fentress), Cobb, Davis, McAfee, Murray (Madison), Nolan and Ozment — 8.

Under the rules, Senate Bill No. 777 was re-referred to the Committee on Calendar and Rules.

EXPLANATION OF ABSENCE

Dear Mr. Speaker:

Due to a longstanding engagement at Hanover College, I will not be able to attend the session on Wednesday, March 29, until late that day. Should the House adjourn prior to my return, please excuse my absence.

Also, I would request that the attached formal remarks on SB 777 be spread on the Journal.

BRAD MARTIN

STATEMENT ON SENATE BILL NO. 777

S. B. 777 to redraw the district lines of Senate districts in Shelby County is being enacted for the political convenience of one State Senator and at the expense of citizens whose vote is being either diluted or denied in the upcoming 1978 State Senate elections.

Precinct 27-2 in Memphis will lose the opportunity to vote for State Senator for the sixth year. Those persons living in this precinct did not get to vote for State Senator in 1974 and 1976 and S. B. 777 places them in Senator Gillock's district and no senate election is scheduled for that district in 1978.

The federal court in *Dr. Clara Brawner v. Crowell* Civil Action C-76-233 dealt with a similar issue and on July 26, 1977 declared another Shelby senate apportionment plan to be unconstitutional. In fact, the court ordered the Shelby County senate districts restored to their 1973 boundaries. S. B. 777 flies in the face of that recent federal court order by altering the boundaries of the district.

Furthermore, this legislation increases the population variances considerably. The current senate population figures for Shelby County are:

	Current	
		(ideal is 118,914)
district 28	120,834	
29	118,922	
30	118,679	
31	122,596	
32	120,200	
33	120,527	
	Adjusted figures by S. B. 777	
district 28	120,783	+ 1.57%
29	113,299	-4.72%
30	123,121	+ 3.54%
31	121,554	+ 2.22%
32	106,679	-10.29%
33	125,516	+ 5.55%

What public purpose is served by this alteration and increase in population figures? None what so ever.

There is a population variation of 15.84 percent between the high and the low districts.

The bill does not conform to any recognized reason for reapportionment at midterm between the census. This bill is nothing more than "crazy quilt" gerrymandering held to be invalid in *Kilgarlin v. Hill* 386 U. S. 120.

This is an ad hoc reapportionment and not part of any systematic statewide scheme of reapportionment.

MARTIN

Mr. Hurley asked to be recorded as voting no on Senate Bill No. 777.

Mr. Starnes moved that Senate Joint Resolution No. 157 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

Mr. Speaker McWherter relinquished the Chair to Mr. Brewer, Speaker pro tem.

House Bill No. 2230 — To amend Section 40-2028, Code.

On motion, House Bill No. 2230 was made to conform with Senate Bill No. 2192.

On motion, Senate Bill No. 2192, on same subject, was substituted for House Bill No. 2230.

Mr. Murphy (Shelby) moved that Senate Bill No. 2192 be passed on third and final reading.

Mr. Cobb moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 2192 by deleting the words "having population in excess of six hundred and twenty thousand (620,000) according to the 1970 federal census or any subsequent federal census" where they appear in the language of the new section 40-2028.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 2192, as amended, passed its third and final reading by the following vote:

Ayes.....	69
Noes.....	9
Present and not voting	5

Representatives voting aye were: Ashford, Atchley, Bewley, Bissell, Blackburn, Bragg, Brewer, Buck, Burnett (Fentress), Butler, Byrd, Carter, Cawood, Chiles, Cobb, Copeland, Darnell, Davis, DeBerry, Dixon, Elkins, Ellis, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Henry, Hillis, Hood, Hurley, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Naifeh, Nolan, Ozment, Pruitt, Rhinehart, Richards, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shockley, Smith, Spence, Stallings, Starnes, Steinhauer, Tanner, Turner, Watson, Williams, Wood, Work, Yelton and Mr. Speaker McWherter — 69.

Representatives voting no were: Bell, Fisher, Hall, Johnson, Murray (Franklin), Phillips, Richardson, Robertson and Scruggs — 9.

Representatives present and not voting were: Bussart, Davidson (Wayne), Small, Wallace and Wolfe — 5.

A motion to reconsider was tabled.

House Bill No. 1921 — To create the center for Real Estate Research.

On motion, House Bill No. 1921 was made to conform with Senate Bill No. 1780.

On motion, Senate Bill No. 1780, on same subject, was substituted for House Bill No. 1921.

Mr. Davis moved that Senate Bill No. 1780 be passed on third and final reading.

Mr. Davis moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1780 by deleting sub-part (a) from item (2) in the third amendatory section in Section 1 and by substituting instead the following:

“(a) Six (6) members representative of the real estate industry and profession in the state appointed from a list of twelve (12) nominations, including two nominations representative of minority interests, submitted by the Tennessee Association of Realtors. Each nominee shall have been actively engaged in business as a licensed broker in this state for at least five (5) years immediately preceding appointment and shall have expertise in one or more specialties related to real estate. No more than two (2) such members shall have their principal place of business in each grand division of the state and at least one member shall be representative of minority interests in the real estate industry and profession.”

On motion, the amendment was adopted.

Mr. Bewley moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 1780 by adding to the sixth amendatory Section in Section 1 the following:

“Notwithstanding the foregoing, the Board created herein shall not be empowered to impose or prescribe qualifications for licensure on brokers or affiliate brokers.”

On motion, the amendment was adopted.

Mr. King moved to amend as follows:

AMENDMENT NO. 3

Amend Senate Bill No. 1780 by deleting wherever located the phrase “urban and/or rural economic development” and by substituting instead the phrase “urban and rural economic development.”

On motion, the amendment was adopted.

Mr. McKinney moved the previous question, which motion prevailed.

Thereupon, Senate Bill No. 1780, as amended, passed its third and final reading by the following vote:

Ayes.....	68
Noes.....	24
Present and not voting	5

Representatives voting aye were: Atchley, Bewley, Bissell, Blackburn, Bragg, Buck, Burleson, Burnett (Fentress), Burnett (Sumner), Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davis, DeBerry, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Gaia, Good, Hall, Henry, Hood, Hurley, Jensen, King, Longley, Love, McAfee, McKinney, Martin, Miller, Murphy (Davidson), Murray (Madison), Nolan, Ozment, Phillips, Pruitt, Richards, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Smith, Spence, Stafford, Starnes, Steinhauer, Sterling, Tanner, Turner, Webb, Williams, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 68.

Representatives voting no were: Ashford, Bishop, Burks, Butler, Davidson (Wayne), DePriest, Dixon, Fuqua, Gill, Hillis, Johnson, Kernell, Lanier, Lashlee, Ledford, Moore, Murray (Franklin), Naifeh, Pickering, Rhinehart, Small, Stallings, Watson and Wolfe — 24.

Representatives present and not voting were: Bell, Bussart, Murphy (Shelby), Richardson and Wallace — 5.

A motion to reconsider was tabled.

Mr. Dixon moved that House Joint Resolution No. 479 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

FURTHER CONSIDERATION OF HOUSE BILL NO. 2394

House Bill No. 2394 — To repeal Title 26, Chapter 5, Code.

Mr. Murphy (Davidson) moved that House Bill No. 2394 be passed on third and final reading.

Mr. Murphy (Shelby) moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 2394 in Section 9 by adding at the end of the last sentence thereof a new provision as follows:

Provided, however, said costs shall not include commissions for sheriffs on any garnishment after the original garnishment and the total amount of any such costs shall not exceed three dollars (\$3.00) for any garnishments after the original.

On motion, the amendment was adopted.

Thereupon, House Bill No. 2394, as amended, passed its third and final reading by the following vote:

Ayes.....	76
Noes.....	3
Present and not voting	6

Representatives voting aye were: Ashford, Atchley, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Sumner), Butler, Byrd, Carter, Cawood, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davis, DePriest, Ellis, Fisher, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Ozment, Pruitt, Rhinehart, Richards, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shockley, Smith, Spence, Stafford, Stallings, Steinhauer, Tanner, Turner, Watson, Webb, Williams, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 76.

Representatives voting no were: Davidson (Wayne), Robertson and Small — 3.

Representatives present and not voting were: Bell, Bussart, Phillips, Scruggs, Wallace and Wolfe — 6.

A motion to reconsider was tabled.

House Bill No. 2236 — To make certain provisions, Department of Insurance.

On motion, House Bill No. 2236 was made to conform with Senate Bill No. 2094.

On motion, Senate Bill No. 2094, on same subject, was substituted for House Bill No. 2236.

Mr. Davis moved that Senate Bill No. 2094 be passed on third and final reading, which motion prevailed by the following vote:

Ayes.....	79
Noes.....	0
Present and not voting	1

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Burks, Burleson, Burnett (Fentress), Butler, Byrd, Carter, Cawood, Clark, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DePriest, Elkins, Ellis, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Good, Hall, Henry, Hillis, Hood, Hurley, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, Miller, Moore, Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter — 79.

Representative present and not voting was: Bussart — 1.

A motion to reconsider was tabled.

House Bill No. 2379 — To amend Title 59, Chapter 8, Code.

Mr. Nolan moved that House Bill No. 2379 be passed on third and final reading, which motion prevailed by the following vote:

Ayes.....	51
Noes.....	26
Present and not voting	7

Representatives voting aye were: Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burleson, Burnett (Fentress), Cawood, Cobb, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, Ellis, Ford (Cocke), Ford (Shelby), Gaia, Gill, Hall, Hood, Hurley, Jensen, Kernell, King, Lanier, Lashlee, Ledford, Martin, Miller, Moore, Murphy (Davidson), Murray (Madison), Naifeh, Nolan, Ozment, Richards, Robinson (Hamilton), Robinson (Washington), Small, Smith, Spence, Steinhauer, Tanner, Turner, Williams, Wood, Yelton and Mr. Speaker McWherter — 51.

Representatives voting no were: Atchley, Bell, Burks, Bussart, Butler, Carter, Clark, DePriest, Elkins, Fleming, Fuqua, Henry, Hillis, Johnson, McAfee, Murray (Franklin), Phillips, Rhinehart, Richardson, Robertson, Stallings, Wallace, Watson, Webb, Wolfe and Work — 26.

Representatives present and not voting were: Ashford, Byrd, Scruggs, Shockley, Stafford, Starnes and Young — 7.

A motion to reconsider was tabled.

Mr. Jensen moved that House Bill No. 1079 be placed on the Calendar for Wednesday, March 29, 1978, which motion prevailed.

Mr. Fisher moved that House Bill No. 1973 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

Senate Bill No. 625 — To amend Section 67-2605 (b), Code.

Mr. Williams moved that Senate Bill No. 625, as amended, be passed on third and final reading, which motion prevailed by the following vote:

Ayes.....	92
Noes.....	0

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Buck, Burks, Burleson, Burnett (Fentress), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, Martin, Miller, Moore, Murphy (Davidson), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 92.

A motion to reconsider was tabled.

House Bill No. 2188 — To fund feasibility study by Memphis State University.

On motion, House Bill No. 2188 was made to conform with Senate Bill No. 2385.

On motion, Senate Bill No. 2385, on same subject, was substituted for House Bill No. 2188.

Mr. Kernell moved that Senate Bill No. 2385 be passed on third and final reading, which motion prevailed by the following vote:

Ayes.....	79
Noes.....	0
Present and not voting	6

Representatives voting aye were: Ashford, Atchley, Bewley, Bissell, Blackburn, Bragg, Brewer, Burks, Burleson, Burnett (Fentress), Butler, Byrd, Cawood, Clark, Cobb, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shockley, Small, Spence, Stafford, Stallings, Steinhauer, Sterling, Tanner, Turner, Watson, Webb, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter — 79.

Representatives present and not voting were: Bell, Bussart, Chiles, Murray (Franklin), Scruggs and Wallace — 6.

A motion to reconsider was tabled.

Mr. Elkins moved that House Bill No. 2194 be placed on the Calendar for Wednesday, March 29, 1978, which motion prevailed.

Mr. Jensen moved that House Bill No. 2279 be placed on the Calendar for Wednesday, March 29, 1978, which motion prevailed.

House Resolution No. 100 — Relative to adopting House Code of Ethics.

Mr. Fuqua moved that House Resolution No. 100 be adopted, which motion prevailed by the following vote:

Ayes.....	93
Noes.....	0

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Moore, Murphy (Davidson), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 93.

A motion to reconsider was tabled.

Mr. Speaker McWherter resumed the Chair.

House Bill No. 2402 — To amend Sections 5-1103 and 6-1603, Code.

On motion, House Bill No. 2402 was made to conform with Senate Bill No. 2317.

On motion, Senate Bill No. 2317, on same subject, was substituted for House Bill No. 2402.

Mr. Murphy (Davidson) moved that Senate Bill No. 2317 be passed on third and final reading.

Mr. Murphy (Davidson) moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 2317 by inserting in Section 1 thereof at the bottom of the first page between the words "legal advisers." and the sentence beginning "A determination" the following language:

“Such refunding bonds shall not be issued to refund such outstanding bonds unless such outstanding bonds shall mature by their terms or shall be subject to redemption and be called for redemption within ten (10) years from the date of delivery of such refunding bonds; provided, that such time limitation shall not apply to the event that the state director of local finance shall approve a greater period in his report on the proposed refunding plan hereinafter in this subsection referred to.”

and by inserting in Section 2 thereof at the next to the last line on page 5 between the words “legal advisers.” and the sentence beginning “A determination” the following language:

“Such refunding bonds shall not be issued to refund such outstanding bonds unless such outstanding bonds shall mature by their terms or shall be subject to redemption and be called for redemption within ten (10) years from the date of delivery of such refunding bonds; provided, that such time limitation shall not apply in the event that the state director of local finance shall approve a greater period in his report on the proposed refunding plan hereinafter in this subsection referred to.”

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 2317, as amended, passed its third and final reading by the following vote:

Ayes.....	89
Noes.....	0

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, Lanier, Lashlee, Ledford, Longley, Love, McKinney, Miller, Murphy (Davidson), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 89.

A motion to reconsider was tabled.

Ms. Gaia moved that House Bill No. 2440 be placed on the Calendar for Wednesday, March 29, 1978, which motion prevailed.

House Bill No. 2073 — To create state disaster relief fund.

On motion, House Bill No. 2073 was made to conform with Senate Bill No. 1842.

On motion, Senate Bill No. 1842, on same subject, was substituted for House Bill No. 2073.

Mr. Robinson (Washington) moved that Senate Bill No. 1842 be passed on third and final reading, which motion prevailed by the following vote:

Ayes.....	93
Noes.....	0

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Bureson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 93.

Mr. Hood moved that Senate Bill No. 1668 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 2370 — To amend Sections 62-2002 and 62-2007, Code.

On motion, House Bill No. 2370 was made to conform with Senate Bill No. 1742.

On motion, Senate Bill No. 1742, on same subject, was substituted for House Bill No. 2370.

Mr. Ozment moved that Senate Bill No. 1742 be passed on third and final reading.

Mr. Murphy (Davidson) moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1742 by deleting the period at the end of the sentence in Section 2, and by substituting instead the following:

except when such fee, commission or other compensation is provided by contract between the original parties to the contract.

On motion, the amendment was adopted.

Mr. Ozment moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 by inserting in the second line of the amendatory language of Amendment 1 between the words "contract" and "between" the following words:

"existing prior to the passage of this act"

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Amendment No. 1, as amended, was adopted.

Mr. Bell moved that Senate Bill No. 1742 be re-referred to the Committee on Agriculture.

Mr. Ozment moved that the motion be tabled, which motion prevailed by the following vote:

Ayes.....	43
Noes.....	39
Present and not voting	1

Representatives voting aye were: Atchley, Bewley, Bissell, Bragg, Brewer, Burnett (Fentress), Cawood, Clark, Cobb, Darnell, Davidson (Robertson), Davis, DeBerry, Fleming, Ford (Cocke), Ford (Shelby), Gaia, Gill, Henry, Hillis, Hood, Hurley, Kernell, Love, McKinney, Murphy (Davidson), Murphy (Shelby), Murray (Madison), Ozment, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shockley, Small, Starnes, Steinhauer, Watson, Webb, Work, Yelton and Mr. Speaker McWherter — 43.

Representatives voting no were: Bell, Bishop, Blackburn, Burks, Burleson, Burnett (Sumner), Bussart, Butler, Byrd, Carter, Elkins, Fisher, Fuqua, Hall, Jensen, Johnson, Lanier, Lashlee, Ledford, Longley, McAfee, Miller, Murray (Franklin), Naifeh, Nolan, Phillips, Richardson, Robertson, Scruggs, Smith, Spence, Stafford, Stallings, Tanner, Turner, Wallace, Williams, Wolfe and Wood — 39.

Representative present and not voting was: Richards — 1.

Thereupon, Senate Bill No. 1742, as amended, passed its third and final reading by the following vote:

Ayes.....	61
Noes.....	23
Present and not voting	6

Representatives voting aye were: Bewley, Bissell, Blackburn, Bragg, Brewer, Burnett (Fentress), Byrd, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davis, DeBerry, DePriest, Elkins, Ellis, Fleming, Ford (Shelby), Gaia, Henry, Hillis, Hood, Hurley, Jensen, Kernell, King, Lashlee, Ledford, Longley, Love, McKinney, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Nolan, Ozment, Pickering, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shockley, Spence, Stafford, Stallings, Starnes, Steinhauer, Turner, Wallace, Watson, Webb, Williams, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter — 61.

Representatives voting no were: Ashford, Bell, Bishop, Burks, Burleson, Burnett (Sumner), Bussart, Butler, Carter, Davidson (Wayne), Ford (Cocke), Fuqua, Johnson, Lanier, McAfee, Miller, Naifeh, Phillips, Richardson, Robertson, Scruggs, Smith and Tanner — 23.

Representatives present and not voting were: Atchley, Cawood, Hall, Moore, Richards and Small — 6.

A motion to reconsider was tabled.

House Joint Resolution No. 404 — Relative to directing study, purchase of electrical distributors properties.

Mr. Bussart moved that House Joint Resolution No. 404 be adopted.

Mr. Bussart moved to amend as follows:

AMENDMENT NO. 1

Amend House Joint Resolution 404 by deleting the language of the resolution in its entirety following the caption and substituting therefor the following:

WHEREAS, the General Assembly has had before it various bills offered by electric distribution systems designed and proposed to offer relief to the different types of electric utilities; and

WHEREAS, Tennessee Code Annotated, Section 6-320, was enacted in 1968 to provide for the orderly transfer of property from one electric distribution system to another; and

WHEREAS, H.B. 1877 (S.B. 2157), H.B. 1822 (S.B. 2307), and H.B. 1823 (S.B. 2305) among others have been introduced to address the problems; and

WHEREAS, it is the intent of the General Assembly to provide for complete, fair, and impartial consideration of the questions that have arisen; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETIETH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That a special joint committee, composed of three (3) members of the Senate Committee on State and Local Government, to be appointed by the committee chairman, and three (3) members of the House committee on state and local government, to be appointed by the committee chairman, be directed to study the existing law(s) relative to the purchase and sale of electric distribution properties of electric distribution systems.

BE IT FURTHER RESOLVED, that this committee report its findings and recommendations to the Ninety-first General Assembly on or before January 31, 1979, and cease to exist as of the filing of its report or on January 31, 1979, whichever occurs first.

BE IT FURTHER RESOLVED, that the committee shall be convened by the member, of those appointed, with the most years of continuous service in the General Assembly.

BE IT FURTHER RESOLVED, that the members of the committee shall receive the same allowances for expenses and mileage for attendance at meetings and hearings of the committee as those provided for in Tennessee Code Annotated, Section 3-114.

Mr. Bussart moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 by deleting the words "State and Local Government" in line 17 of the Amendment and substituting in lieu thereof the words "Commerce and Labor".

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Amendment No. 1, as amended, was adopted.

Thereupon, House Joint Resolution No. 404, as amended, was adopted by the following vote:

Ayes.....	92
Noes.....	0

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Moore, Murphy (Davidson), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 92.

A motion to reconsider was tabled.

RESOLUTION LYING OVER

Senate Joint Resolution No. 213 — Relative to study, exemption on real property.

Under the rules, the Speaker referred Senate Joint Resolution No. 213 to the Committee on Calendar and Rules.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1090 — To authorize state funding board, establish policies, local finance.

SENATE AMENDMENT NO. 2

Amend House Bill No. 1090 by deleting all language except Section 1, Section 6 and the section establishing the effect date of the act.

Mr. Burks moved that the House concur in Senate Amendment No. 2, which motion prevailed by the following vote:

Ayes.....	86
Noes.....	1

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, Lanier, Lashlee, Ledford, Longley, Love, McKinney, Miller, Moore, Murphy (Davidson), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Steinhauer, Tanner, Wallace, Watson, Webb, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter — 86.

Representative voting no was: McAfee — 1.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

2184 — To amend Section 54-211, Code.

The Senate refused to recede from its action in adopting Senate Amendment No. 1.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Murphy (Davidson) filed the following motion in writing, which motion prevailed.

MR. SPEAKER: I move you, sir, that the House refuse to recede from its action in nonconcurring in Senate Amendment No. 1 to House Bill No. 2184, and that under Rule No. 70 a Conference Committee be appointed to meet with a like committee from the Senate on this bill to prepare a Conference Committee Report for this body's consideration.

MURPHY (Davidson)

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed Messrs. Murphy (Davidson), Robertson and Phillips as the House Conference Committee on House Bill No. 2184.

On motion, Senate Bill No. 1917 was recalled from the Senate for further consideration.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 1917, as requested.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

FURTHER CONSIDERATION OF SENATE BILL NO. 1917

Senate Bill No. 1917 — To amend Section 8-4501, Code.

Mr. Spence moved that the motion to reconsider Senate Bill No. 1917 be lifted from the table, which motion prevailed.

Mr. Spence moved that the House reconsider its action in passing Senate Bill No. 1917 on third and final reading, which motion prevailed.

Mr. Spence moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1917 by striking the word "two" in the first sentence of Section 1 and substituting therein the word "three".

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1917, as amended, passed its third and final reading by the following vote:

Ayes.....	92
Noes.....	0

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 92.

A motion to reconsider was tabled.

Mr. Spence moved that Senate Joint Resolution No. 158 be recalled from the Committee on Calendar and Rules, which motion prevailed.

Mr. Spence moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 158, which motion prevailed.

Senate Joint Resolution No. 158 — Relative to commending William B. Tanner.

On motion of Mr. Spence, the resolution was concurred in.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2225 — To amend Title 8, Chapter 7, Code.

SENATE AMENDMENT NO. 1

Amend House Bill No. 2225 by adding to Section 1 the following language:

"The district attorney general or his deputy shall make the final and concluding argument. The privately retained counsel shall immediately inform the district attorney general of his employment."

Mr. Turner moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes.....	84
Noes.....	2

Representatives voting aye were: Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Buck, Burks, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Fuqua, Gaia, Gill, Good, Hall, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, Lanier, Lashlee, Ledford, Longley, Love, McKinney, Miller, Moore, Murphy (Davidson), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter — 84.

Representatives voting no were: DeBerry and Ford (Shelby) — 2.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1966 — To make certain provisions, Fifth Judicial Circuit.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1966 by deleting Section 3 in its entirety and substituting in lieu thereof the following language:

“Upon the effective date of this act, all judges, district attorneys, court reporters, other court officials and employees of criminal court for Division I of the Fifth Judicial Circuit are designated as the officials for the criminal court of the Fifth Judicial Circuit. All judges, district attorneys, court reports, other court officials and employees of criminal court for Division II of the Fifth Judicial Circuit are designated as the officials for the criminal court of the Twenty-fifth Judicial Circuit.”

Mr. Buck moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes.....	90
Noes.....	0

Representatives voting aye were: Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Moore, Murphy (Davidson), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Richards, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 90.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2444 — To provide for certain legislative disapproval of an administrative rule.

SENATE AMENDMENT NO. 1

Amend House Bill No. 2444 by deleting Section 1 in its entirety and renumbering subsequent sections accordingly, by substituting the words "appropriate standing" for the words "government operations" in subsection (a) of original Section 2, and by substituting the word "a" for the word "either" in subsections (b) and (c) of original Section 2.

Mr. Richardson moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes.....	89
Noes.....	0

Representatives voting aye were: Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Moore, Murphy (Davidson), Murray (Franklin), Murray (Madison), Naifeh, Ozment, Phillips, Pickering, Pruitt, Richards, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 89.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2275 — To amend Section 67-3012, Code.

SENATE AMENDMENT NO. 1

Amend House Bill No. 2275 be deleting from the directory language of Section 1 the words "third from last paragraph" and substituting instead the words "ninth item which is the tenth paragraph".

Mr. Jensen moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes.....	86
Noes.....	0

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, Lanier, Lashlee,

Ledford, Longley, Love, McAfee, Miller, Moore, Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Richards, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Wallace, Watson, Webb, Williams, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 86.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

1965 — To amend Sections 2-1932 and 2-1933, Code.

The Senate refused to recede from its action in adopting Senate Amendment No. 1, as amended.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2020 — To establish Epilepsy Advisory Committee.

SENATE AMENDMENT NO. 1

Amend House Bill No. 2020 by adding a new Section 5 to read as follows:

8 SECTION 5. This act shall not be funded for more than one hundred thousand dollars (\$100,000) during the fiscal year 1978-1979.

and renumbering the last section accordingly.

Mr. Miller moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes.....	91
Noes.....	0

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burlison, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Murphy (Davidson), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 91.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1660 — To make certain provisions, annexation.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1660 by inserting after the word "time" and before the word "a" in Section 1 the following words "a study commission is appointed or".

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 by adding a new section 2 to read as follows:

"Section 2: The provisions of this act are severable it being legislative intent that all other portions of the bill would be enacted if any single portion is declared unconstitutional."

Mr. Richards moved that the House concur in Senate Amendment No. 1, as amended, which motion prevailed by the following vote:

Ayes.....	92
Noes.....	0

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Moore, Murphy (Davidson), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 92.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 1806 — To amend Sections 67-2002, 67-2005, 67-2008, 67-2012, and 67-2033, Code.

SENATE AMENDMENT NO. 2

Amend House Bill No. 1806 by deleting the words "County Judge" in line 7 of Section 1, after the word "the" and before the word "provide", and substituting in lieu thereof the words "Chancery Court and/or Circuit Court".

SENATE AMENDMENT NO. 3

Amend House Bill No. 1806 by adding the following section before the last section and renumbering the last section appropriately:

SECTION . If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SENATE AMENDMENT NO. 4

Amend House Bill No. 1806 by adding the following section before the last section and renumbering the last section appropriately:

SECTION . The provisions of this act shall not apply to any lawsuits filed prior to the effective date of this act.

Mr. Carter moved that the House concur in Senate Amendments Nos. 2, 3 and 4, which motion prevailed by the following vote:

Ayes.....	91
Noes.....	0

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 91.

A motion to reconsider was tabled.

Mr. Withers asked to be recorded as voting no on Senate Bill No. 777.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.

1796 — To establish office, state mental health officer;

2483 — To amend Chapter 546, Public Acts 1978; both passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Robertson moved that House Bill No. 2537 be recalled from the Committee on Calendar and Rules, which motion prevailed.

Mr. Robertson moved that the rules be suspended for the immediate consideration of House Bill No. 2537, which motion prevailed.

House Bill No. 2537 — To amend Chapter 546, Public Acts, 1978.

On motion, House Bill No. 2537 was made to conform with Senate Bill No. 2483.

On motion, Senate Bill No. 2483, on same subject, was substituted for House Bill No. 2537.

Mr. Robertson moved that Senate Bill No. 2537 be passed on third and final reading, which motion prevailed by the following vote:

Ayes.....	84
Noes.....	3
Present and not voting	2

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Bragg, Brewer, Buck, Burks, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Johnson, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Ozment, Phillips, Pickering, Pruitt, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Withers, Wolfe, Wood and Work — 84.

Representatives voting no were: Jensen, Miller and Nolan — 3.

Representatives present and not voting were: Kernell and Mr. Speaker McWherter — 2.

A motion to reconsider was tabled.

Mr. Hall asked to be recorded as changing his vote from "aye" to "no" on Senate Bill No. 2483.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to request the return of House Bill No. 163, for further consideration.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

On motion, House Bill No. 163 was returned to the Senate as requested.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

163 — To amend Chapter 6, Title 6, Code.

The Senate reconsidered passage of the bill, adopted Senate Amendment No. 1, then repassed the bill on third and final reading, as amended.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 163 — To amend Chapter 6, Title 6, Code.

SENATE AMENDMENT NO. 1

Amend House Bill No. 163 as follows:

Section 2. Change effective date to July 1, 1978.

Mr. Stafford moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes.....	92
Noes.....	0

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Bragg, Buck, Burks, Bureson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter — 92.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.

2200 — To create system, statewide special schools.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 2200

Mr. Speaker:

Your conference committee on Senate Bill 2200(HB 2425) submits the following report on said bill and recommends it for adoption by the House and Senate.

Amend the bill as follows:

By deleting all amendments previously adopted in both houses of the General Assembly and by substituting instead the language of Sections 1 through 8 of the bill as introduced.

AND

By adding in Section 2 to the language of 49-118, immediately after the words "and upon the recommendation of the superintendent of the central office or of each institution," the following words "abolish or establish positions within the budget,"

AND

By deleting the last paragraph of Section 2 and substituting instead the following:

The departments of education, personnel, and finance and administration shall develop a procedure whereby the personnel records of the state special school system will be processed only for payroll entry by the department of personnel.

The State Board of Education shall have complete authority to modify the budget within a given year's appropriations, and shall notify the department of finance and administration for accounting purposes.

The State Board of Education is hereby authorized to carry over a maximum of fifteen percent (15%) of the total appropriated funds for operation of the State Special Schools System; this shall not in any way affect the next year's appropriation. The State Board of Education is authorized to utilize a part of this budget for the purpose of securing and utilizing federal grants.

AND

By adding in Section 4 between the words, "teachers and other employees of the system," and "and to fix salaries and term of office" the following, "abolish or establish positions within the budget,"

AND

By deleting the last paragraph of Section 5 and substituting instead the following:

The departments of education, personnel, and finance and administration shall develop a procedure whereby the personnel records of the State Area Vocational-Technical Schools System will be processed only for payroll entry by the department of personnel.

The State Board for Vocational Education shall have complete authority to modify the budget within a given year's appropriations, and shall notify the department of finance and administration for accounting purposes.

The State Board for Vocational Education is hereby authorized to carry over a maximum of fifteen percent (15%) of the total appropriated funds for operation of the Area Vocational-Technical Schools System; this shall not in any way affect the next year's appropriation. The State Board for Vocational Education is authorized to utilize a part of this budget for the purpose of securing and utilizing federal grants.

AND

By deleting Section 7 in its entirety and substituting instead the following:

Section 12-336, T.C.A., is amended by adding the following paragraph thereto:

The Tennessee Special Schools' Central Office and the Tennessee Area Vocational-Technical School's Central Office are exempt from the requirements of this chapter for purchases of one thousand dollars (\$1,000) or less, but shall be subject to the requirements of this chapter for purchases exceeding one thousand dollars (\$1,000). Purchases made within this exemption shall be governed by the rules and regulations adopted by the department of education and approved by the board of standards.

SENATOR BILL JIM DAVIS
SENATOR JOHN FORD
SENATOR MILTON HAMILTON
REP. FRANK P. LASHLEE
REP. ELBERT GILL
REP. WALTER WORK

Mr. Lashlee moved that the Report of the Conference Committee on Senate Bill No. 2200 be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes..... 93
Noes..... 0

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter — 93.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.

1179 — To amend Section 70-2207, Code.

The Senate nonconcurred in House Amendments Nos. 1, 3 and 4 and concurred in House Amendment No. 5.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Ellis moved that the House refuse to recede from its action in adopting Amendment No. 1, 3 and 4 to Senate Bill No. 1179, which motion prevailed.

Mr. Hall moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 548 out of order, which motion prevailed.

House Joint Resolution No. 548 — Relative to honoring Radio Station WIVK, Knoxville — By Richards, Hall, Jensen, Scruggs, Smith, Miller and Nolan.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Hall, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Bissell moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 549 out of order, which motion prevailed.

House Joint Resolution No. 549 — Relative to mourning the death of Frank Callaghan, Oak Ridge — By Bissell and Murphy (Davidson).

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Bissell, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Love moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 550 out of order, which motion prevailed.

House Joint Resolution No. 550 — Relative to honoring Coach Cornelius Ridley — By Love.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Love, the resolution was adopted.

A motion to reconsider was tabled.

HOUSE JOINT RESOLUTION ON SENATE AMENDMENT

House Joint Resolution No. 418 — Relative to studying, feasibility of creating Department of Children's Services.

SENATE AMENDMENT NO. 1

Amend House Joint Resolution 418 by deleting from the eighth and ninth lines of the seventh paragraph the following words:

"The Office of Child Development"

and substituting in lieu thereof the following:

"All governmental entities serving children"

Ms. DeBerry moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes.....	86
Noes.....	0

Representatives voting aye were: Ashford, Atchley, Bell, Bishop, Bissell, Blackburn, Brewer, Buck, Burks, Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, Dixon, Elkins, Ellis, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, Lanier, Lashlee, Ledford, Love, McAfee, McKinney, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Yelton, and Mr. Speaker McWherter — 86.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.

1680 — To regulate Judicial Standards Commission.

The Senate nonconcurred in House Amendments Nos. 1 and 2.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Jensen moved that the House refuse to recede from its action in adopting Amendments Nos. 1 and 2 to Senate Bill No. 1680, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2299 — To amend Title 13, Chapter 23, Code.

SENATE AMENDMENT NO. 1

Amend House Bill No. 2299 by deleting in the amendatory language of Section 4 the words "Tennessee Energy Authority" and by substituting instead the words "appropriate federal agency".

Mr. Murphy (Davidson) moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes.....	84
Noes.....	0

Representatives voting aye were: Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Buck, Burks, Burnett (Fentress), Bussart, Byrd, Carter, Cawood, Chiles, Clark, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Miller, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Rhinehart, Richards, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work and Mr. Speaker McWherter — 84.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.

260 — Relative to Super Bowl hero Ed "Too Tall" Jones;

261 — Relative to sympathy, Mrs. Betty Jo McClain Taylor; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Wallace moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 260, which motion prevailed.

Senate Joint Resolution No. 260 — Relative to Super Bowl Hero Ed "Too Tall" Jones.

On motion of Mr. Wallace, the resolution was concurred in.

A motion to reconsider was tabled.

Mr. Wallace moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 261, which motion prevailed.

Senate Joint Resolution No. 261 — Relative to sympathy, Mrs. Betty Jo McClain Taylor.

On motion of Mr. Wallace, the resolution was concurred in.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

2076 — To amend Section 5-1024, Code; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2076 — To amend Section 5-1024, Code.

SENATE AMENDMENT NO. 1

Amend House Bill No. 2076 by deleting Section 1 in its entirety and by substituting instead the following:

Tennessee Code Annotated, Section 5-1024, is amended by deleting the section in its entirety and by substituting instead the following:

SECTION 1. No vote of the registered voters upon a proposition for the issuance of bonds by any county shall be necessary if the said initial resolution is adopted by a majority of the members of the governing body of such county unless within eighteen (18) days of the date of publication or posting, as the case may be, of the initial resolution so adopted, a petition, signed by at least ten percent (10%) of the registered voters of the county, or of that portion thereof which is liable to be taxed therefor, as the case may be, shall have been filed with the county court clerk protesting the issuance of the bonds. If a petition protesting the issuance of such bonds signed by as many as ten percent (10%) of the registered voters as aforesaid shall have been filed with the county court clerk within eighteen (18) days from the publication or posting of the initial resolution, then no bonds shall be issued without the assent of a majority of the registered voters affected thereby voting upon a proposition for the issuance of such bonds in the manner provided by Section 5-1025. No registered voter shall be permitted to withdraw his signature from such petition after signing the same. Notwithstanding any of the provisions of this section the governing body of the county may if it desires call an election as provided herein for the purpose of ascertaining the will of the registered voters with respect to the issuance of the bonds.

Any contrary provisions of the law notwithstanding, such notice as is required to accompany publication of a resolution, as provided in Section 5-1023, shall identify and conform to the filing date provisions established by this act.

Mr. Wallace moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes.....	88
Noes.....	1

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Buck, Burks, Bureson, Burnett (Fentress), Burnett (Sumner), Bussart, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, Lanier, Lashlee, Ledford, Longley, Love, McAfee, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Spence, Stafford, Stallings, Starnes, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 88.

Representative voting no was: McKinney — 1.

A motion to reconsider was tabled.

Mr. Miller moved that the rules be suspended for the purpose of introducing House Resolution No. 166 out of order, which motion prevailed.

House Resolution No. 166 — Relative to commending Mr. Paul Monger — By Miller, Nolan, Scruggs, Hall, Jensen, Richards and Smith.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Miller, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Hood moved that House Joint Resolution No. 538 be recalled from the Committee on Calendar and Rules, which motion prevailed.

Mr. Hood moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 538, which motion prevailed.

House Joint Resolution No. 538 — Relative to honoring Buck Van Huss.

On motion of Mr. Hood, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Ford (Cocke) moved that the rules be suspended for the purpose of introducing House Resolution No. 165 out of order, which motion prevailed.

House Resolution No. 165 — Relative to congratulating Jefferson Elementary School "Little Elks" — By Ford (Cocke), Shockley and Atchley.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Ford (Cocke), the resolution was adopted.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 2070 — To make certain provisions, tangible personal property.

SENATE AMENDMENT NO. 6

Amend House Bill No. 2070 by deleting Section 2 in its entirety and renumbering Sections 3, 4 and 5 as Sections 2, 3 and 4 respectively.

SENATE AMENDMENT NO. 7

Amend House Bill No. 2070 by adding at the end of amendatory language appearing in Section 1 thereof the following sentence:

"Provided that such county resolution shall not apply to any municipality unless approved by the governing body thereof."

So that the provision shall read:

(b) The Governing Body of each County by Resolution approved by two-thirds (2/3) of its membership may direct the local Assessor of Property to presume that tangible personal property owned and used by a business subject to the Business Tax has no value. Provided that such county resolution shall not apply to any municipality unless approved by the municipal governing body thereof.

SENATE AMENDMENT NO. 8

Amend House Bill No. 2070 by inserting a new section, to be appropriately numbered and to read as follows:

SECTION . The provisions of this chapter shall not apply in counties having populations of not less than 270,000 nor more than 300,000, according to the U.S. Census of Population of 1970, or any subsequent U.S. Census of Population.

Mr. Bragg moved that the House concur in Senate Amendments Nos. 6, 7 and 8, which motion prevailed by the following vote:

Ayes.....	77
Noes.....	3
Present and not voting	5

Representatives voting aye were: Atchley, Bell, Bewley, Bishop, Blackburn, Bragg, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Byrd, Carter, Cawood, Clark, Cobb, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Henry, Hillis, Hood, Hurley, Jensen, Johnson, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Rhinehart, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Shockley, Small, Spence, Stafford, Stallings, Starnes, Steinhauer, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 77.

Representatives voting no were: Murphy (Davidson), Richards and Turner — 3.

Representatives present and not voting were: Hall, Kernell, Miller, Scruggs and Smith — 5.

A motion to reconsider was tabled.

Mr. Ashford filed the following motion in writing, which motion prevailed.

MR. SPEAKER: I move you, sir, that the House refuse to recede from its action in nonconcurring in Senate Amendment No. 1 to House Bill No. 1965, and that under Rule No. 70 a Conference Committee be appointed to meet with a like committee from the Senate on this bill to prepare a Conference Committee Report for this body's consideration.

ASHFORD

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed Messrs. Ashford, Naifeh and Burnett (Fentress) as the House Conference Committee on House Bill No. 1965.

NOTICE TO OVERRIDE VETO

This is to advise that the Governor has vetoed House Bill 267, and that I will at a later date move the House to pass said bill notwithstanding the objections of the executive.

CHARLIE R. ASHFORD

Under the rules, the notice lies over.

MOTION FILED UNDER RULE NO. 52

MR. SPEAKER: I wish to advise the House that at a later date I will make a motion to recall House Resolution No. 147 from the Committee on Transportation for the purpose of placing said bill on the Calendar for third and final reading, as provided for in Rule No. 52.

JAMES T. RICHARDS

Under the rules, the motion lies over.

MOTION FILED UNDER RULE NO. 52

MR. SPEAKER: I wish to advise the House that at a later date I will make a motion to recall Senate Bill No. 777 from the Committee on Calendar and Rules for the purpose of placing said bill on the Calendar for third and final reading, as provided for in Rule No. 52.

DICK CLARK

Under the rules, the motion lies over.

Mr. Withers asked to be recorded as voting aye on Senate Bills Nos. 2365, 308, 2192, 2255, 2094, 1316, 2396, 625, 2385, 1668, 1808, 1742, 2317, 2166, 1842; Senate Joint Resolution No. 157; House Joint Resolutions Nos. 479 and 404.

Mr. Withers asked to be recorded as voting no on Senate Bills Nos. 1780 and 2358.

MOTION FILED UNDER RULE NO. 52

MR. SPEAKER: I wish to advise the House that at a later date I will make a motion to recall House Bill No. 337 from the Committee on Calendar and Rules for the purpose of placing said bill on the Calendar for third and final reading, as provided for in Rule No. 52.

TOM JENSEN

Under the rules, the motion lies over.

SECOND ROLL CALL

A roll call was taken with the following results:

Present 99

Representatives present were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley,

Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 99.

INTRODUCTION OF RESOLUTIONS

House Resolution No. 160 — Relative to congratulating Bolton High School, basketball championship — By Byrd, Naifeh, Moore, Gaia, Gill, DeBerry, Spence, Withers, Turner, Williams, Ashford, Ford (Shelby), Kernell, Small and King.

Under the rules, House Resolution No. 160 was referred to the Committee on Calendar and Rules.

House Resolution No. 163 — Relative to congratulating Melrose High School of Memphis — By Byrd, Turner, Robinson (Hamilton), Withers, Spence, Kernell, Moore, Small, DeBerry, Williams, Ford (Shelby), Sterling, King, Gaia, Gill, Martin, Brewer, Murphy (Shelby) and Bissell.

Under the rules, House Resolution No. 163 was referred to the Committee on Calendar and Rules.

House Resolution No. 164 — Relative to urging competition, sale of class rings — By Byrd, Spence, Turner, Gaia, Gill, Ford (Shelby), Small, DeBerry and Martin.

Under the rules, House Resolution No. 164 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 541 — Relative to commemorating service of the late W.C. McHarris to Kingsport — By Hood, Yelton and Blackburn.

Under the rules, House Joint Resolution No. 541 was referred to the Committee on Calendar and Rules.

MOTIONS

On motion of Mr. Steinhauer, House Bills Nos. 2590 and 2591 were withdrawn from the House.

On motion of Mr. Davidson (Robertson), House Bill No. 2592 was withdrawn from the House.

INTRODUCTION OF BILL

House Bill No. 2588 — To provide for a certain election, Sullivan County — By Blackburn, Yelton, Hood and Robinson (Washington).

Passed first reading.

SENATE BILLS ON FIRST READING

Senate Bill No. 2449 — To provide referendum, question, death penalty, Knox County.

Passed first reading.

Senate Bill No. 2502 — To provide creation, judicial commissioner, criminal proceedings.

Passed first reading.

Senate Bill No. 2524 — To amend Charter, Fayetteville.

Passed first reading.

HOUSE BILL ON SECOND READING

House Bill No. 2589 — To make provisions, Macon County Court Clerk.

Passed second reading and held without reference.

LOCAL BILL REFERRED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bill, having received authorization for passage by the local legislative delegation, was transmitted to the Committee on Calendar and Rules: House Bill No. 2589.

STANDING COMMITTEE REPORT

CONSERVATION AND ENVIRONMENT

MR. SPEAKER: Your Committee on Conservation and Environment begs leave to report that we have carefully considered and recommend for passage: House Bill No. 2501.

WATSON, Chairman

Under the rules, House Bill No. 2501 was transmitted to the Committee on Calendar and Rules.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Wednesday, March 29, 1978: House Resolutions Nos. 156, 160 and 163; House Joint Resolutions Nos. 371, 302, and 541; House Bills Nos. 1500, 2501, 2584, 2585, 2586 and 2589.

LANIER, Chairman.

Mr. Bragg moved that Rule No. 75 be suspended in regard to House Bill No. 2593 (prefiled) to allow said bills to be introduced and considered by the House in the same manner as bills introduced before January 30, 1978, which motion prevailed.

Mr. Darnell moved that Rule No. 75 be suspended in regard to House Bill No. 2594 (prefiled) to allow said bills to be introduced and considered by the House in the same manner as bills introduced before January 30, 1978, which motion prevailed.

INTRODUCTION OF BILLS

House Bill No. 2593 — To amend Section 53-1317, Code — By Bragg.

Passed first reading.

House Bill No. 2594 — To make provisions regulating the sale of beer — By Darnell and Pickering.

Passed first reading.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

2576 — To provide for election of road supervisor, Morgan County.

The Senate reconsidered passage of the bill, adopted Senate Amendments Nos. 1 and 2, then passed the bill on third and final reading, as amended.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

1874 — To regulate certain retirement funds;

1962 — To amend Section 57-135, Code;

2009 — To regulate pardons and paroles; all substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

2139 — To regulate certain advertising;

2330 — To amend Section 14-2405, Code; both substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 989 — Byrd, Robinson (Washington), Bragg, Turner, Clark, Brewer, Williams, Stallings, Lashlee, Webb, Phillips, Henry, Pickering, Robinson (Hamilton), Wolfe, Wallace, Burnett (Fentress), Good, Watson, Burks, Young, Carter, Naifeh, Wood, Bewley, Kernell, Scruggs, Copeland, Bissell, McAfee and Mr. Speaker McWherter.

House Joint Resolution No. 400 — Young.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.

363 — Relative to renaming the Shelbyville National Guard Armory;

420 — Relative to preserving Montlake;

477 — Relative to commending Joy Wood, Kathryn Stevens, Annette Merritt and Scott Haynes;

516 — Relative to honoring Coach Dave Walker;

517 — Relative to honoring Coach Sonny Smith;

518 — Relative to honoring Coach Elvin Wesley Little;

520 — Relative to congratulating North High School basketball team;

521 — Relative to congratulating "Little Bits" basketball team;

522 — Relative to commending Crockett High School basketball team;

527 — Relative to expressing appreciation, Commissioner James Neeley;

533 — Relative to commending Old Hickory Academy Lady Generals;

534 — Relative to commending Alamo High School baseball team;

535 — Relative to commending Alamo High School basketball team;

536 — Relative to congratulating H. R. Malone of Hardeman County; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

1777 — To amend Section 6-2614 (d), Code;

1834 — To amend Title 59, Chapter 3, Code;

2301 — To amend Section 59-1711, Code;

2365 — To establish Council for the Hearing Impaired;

2408 — To amend Title 8, Chapter 41, Code; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.

214 — Relative to placing memorial plaque, Submarine Veterans of World War II;

247 — Relative to memorializing U. S. Congress, include Overmountain Victory Trail, Scenic Trails System;

255 — Relative to commending Edward L. Weld;

256 — Relative to congratulating Coach Sam Gibson and Pickett County High School Girls basketball team;

257 — Relative to commending Lynn View High School basketball team;

258 — Relative to commending Dr. J. Fred Johnson;

259 — Relative to Golden Anniversary, Future Farmers of America;

262 — Relative to appreciation, certain legislative employees;

263 — Relative to congratulating Coach Merl Smith and Livingston Girls basketball team; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 1689, 1805, 2026, 2478, 2480, 2509, 2513 and 2540; and House Joint Resolutions Nos. 281, 294, 376, 430 and 539; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 572, 1757, 1792, 1799, 1898, 1910, 1918, 1996, 2025, 2029, 2119, 2206, 2267, 2364, 2399, 2531 and 2534; House Resolution No. 142; and House Joint Resolutions Nos. 337, 339 and 458; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 572, 1757, 1792, 1799, 1898, 1910, 1918, 1996, 2025, 2029, 2119, 2206, 2267, 2364, 2399, 2531 and 2534; House Resolution No. 142; and House Joint Resolutions Nos. 337, 339 and 458.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 572, 1757, 1792, 1799, 1898, 1910, 1918, 1996, 2025, 2029, 2119, 2206, 2267, 2364, 2399, 2531 and 2534; also, House Joint Resolutions Nos. 337, 339 and 458; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 572, 1757, 1792, 1799, 1898, 1910, 1918, 1996, 2025, 2029, 2119, 2206, 2267, 2364, 2399, 2531 and 2534; and House Joint Resolutions Nos. 337, 339 and 458; for his action.

MARILY EVELYN HAND,
Chief Engrossing Clerk.

On motion of Mr. Jensen, the House adjourned until 2:00 p.m. tomorrow.